IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6599 OF 2006

Smt.Sunita Sambhajirao Thorat
(Sou.Sunita Ratan Patil) ..Petitioner

Vs.

Deputy Director of Education,
Pune and Ors. ..Respondents

Mr.A.V.Anturkar i/b Shri Sugandh B.Deshmukh for the petitioner

Mr.Milind Deshmukh for respndent nos.3 and 4

Mr.S.K.Chinchalikar, A.G.P.for the state

CORAM : A.P.DESHPANDE, J

DATED : 16TH NOVEMBER, 2006

P.C.:

1. The petitioner came to be appointed as a Shikshan Sevak with effect from 1.9.02 as she was qualified for being so appointed. The petitioner did possess the qualification of B.Sc. B.ed. After the appointment of the petitioner sometime in July 2003, the management of the school noticed that the petitioner, at the time of her appointment, was working as a L.I.C. agent and that the petitioner had suppressed the said fact of

she being gainfully employed as a L.I.C. agent. Treating the same as a misconduct of a serious nature, the petitioner was terminated from the service. Aggrieved thereby, the petitioner filed an appeal before the One Member Grievance Committee who deals with the dispute in relation to termination of Shikshan Sevak.

2. Perusal of the said order reveals that the petitioner's husband was himself a principal of the school. Be it as it may, the One Member Grievance Committee allowing the appeal filed by the petitioner has directed reinstatement in service with continuity. However, period for which the petitioner was not in service has been directed not to be counted for the purpose of reckoning period of service rendered by the petitioner. Under the scheme framed by the State Government, in regard to appointment of Shikshan Sevak, the Shikshan Sevak is supposed to render satisfactory service for three years and on such completion, the Shikshan Sevak gets all the benefits that are available to the teachers which are governed by the provisions of Maharashtra Employees of Private Schools

(Conditions of Services) Regulation Act, 1977.

3. The present petition is only directed against that part of the order passed by the One Member Grievance Committee which refused to grant the petitioner service benefit for the period for which the petitioner has not actually worked.

4. Perused the order impugned in this petition. The order doe snot suffer from any patent illegality or infirmity. The learned counsel for the respondent also informs that the writ petition filed by respondent management has been dismissed by this court. Having regard to the totality of facts and circumstances, no interference with the impugned order is called for. In the result, writ petition is summarily dismissed.

(SHRI A.P.DESHPANDE, J)